

A-Engrossed
House Bill 2032

Ordered by the Senate March 3
Including Senate Amendments dated March 3

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Rules for Oregon Association of County Clerks)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Expands eligibility for domestic partnership under Oregon Family Fairness Act to partners of any sex.

Permits specified employee benefit plans to decline to extend benefits to domestic partner regardless of whether plan administrator concludes extension would jeopardize tax qualification of plan.

A BILL FOR AN ACT

1
2 Relating to domestic partnerships; amending ORS 106.310 and 106.340.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 106.310 is amended to read:

5 106.310. As used in ORS 106.300 to 106.340 (Oregon Family Fairness Act):

6 (1) "Domestic partnership" means a civil contract described in ORS 106.300 to 106.340 entered
7 into in person between two individuals [*of the same sex*] who are at least 18 years of age, who are
8 otherwise capable and at least one of whom is a resident of Oregon.

9 (2) "Partner" means an individual joined in a domestic partnership.

10 **SECTION 2.** ORS 106.340 is amended to read:

11 106.340. (1) Any privilege, immunity, right or benefit granted by statute, administrative or court
12 rule, policy, common law or any other law to an individual because the individual is or was married,
13 or because the individual is or was an in-law in a specified way to another individual, is granted
14 on equivalent terms, substantive and procedural, to an individual because the individual is or was
15 in a domestic partnership or because the individual is or was, based on a domestic partnership, re-
16 lated in a specified way to another individual.

17 (2) Any responsibility imposed by statute, administrative or court rule, policy, common law or
18 any other law on an individual because the individual is or was married, or because the individual
19 is or was an in-law in a specified way to another individual, is imposed on equivalent terms, sub-
20 stantive and procedural, on an individual because the individual is or was in a domestic partnership
21 or because the individual is or was, based on a domestic partnership, related in a specified way to
22 another individual.

23 (3) Any privilege, immunity, right, benefit or responsibility granted or imposed by statute, ad-
24 ministrative or court rule, policy, common law or any other law to or on a spouse with respect to
25 a child of either of the spouses is granted or imposed on equivalent terms, substantive and proce-
26 dural, to or on a partner with respect to a child of either of the partners.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (4) Any privilege, immunity, right, benefit or responsibility granted or imposed by statute, ad-
2 ministrative or court rule, policy, common law or any other law to or on a former or surviving
3 spouse with respect to a child of either of the spouses is granted or imposed on equivalent terms,
4 substantive and procedural, to or on a former or surviving partner with respect to a child of either
5 of the partners.

6 (5) Many of the laws of this state are intertwined with federal law, and the Legislative Assembly
7 recognizes that it does not have the jurisdiction to control federal laws or the privileges, immunities,
8 rights, benefits and responsibilities related to federal laws.

9 (6) ORS 106.300 to 106.340 do not require [*or permit*] the extension of any benefit under ORS
10 chapter 238 or 238A, or under any other retirement, deferred compensation or other employee ben-
11 efit plan. [*if the plan administrator reasonably concludes that the extension of benefits would conflict*
12 *with a condition for tax qualification of the plan, or a condition for other favorable tax treatment of*
13 *the plan, under the Internal Revenue Code or regulations adopted under the Internal Revenue Code.*]

14 (7) ORS 106.300 to 106.340 do not require the extension of any benefit under any employee
15 benefit plan that is subject to federal regulation under the Employee Retirement Income Security
16 Act of 1974.

17 (8) For purposes of administering Oregon tax laws, partners in a domestic partnership, surviving
18 partners in a domestic partnership and the children of partners in a domestic partnership have the
19 same privileges, immunities, rights, benefits and responsibilities as are granted to or imposed on
20 spouses in a marriage, surviving spouses and their children.

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